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December 16, 1994

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Mr. William Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

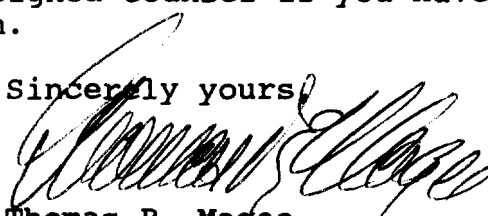
RE: MM Docket Nos. 93-215 and 92-266
Reply Comments on Fifth Reconsideration Order

Dear Mr. Caton:

Attached please find an original and four copies of the above-referenced pleading of Avenue TV Cable, Massillon Cable TV, Pegasus Cable and Thompson Cable Vision Co.

Please contact the undersigned counsel if you have any questions regarding this submission.

Sincerely yours,


Thomas B. Magee
Attorney for
Avenue TV Cable
Massillon Cable TV
Pegasus Cable
Thompson Cable Vision Co.

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Before the
Federal Communications Commission
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)	
)	
Implementation of Section of)	MM Docket No. 93-215
the Cable Television Consumer)	
Protection and Competition Act)	MM Docket No. 92-266
of 1992: Rate Regulation)	

REPLY COMMENTS OF AVENUE TV CABLE, MASSILLON CABLE TV,
PEGASUS CABLE AND THOMPSON CABLE VISION CO.

Avenue TV Cable, Massillon Cable TV, Pegasus Cable, and Thompson Cable Vision Co. (hereinafter collectively referred to as "Commenters"), by counsel, hereby submit Reply Comments in response to the Fifth Order on Reconsideration and Further Notice of Proposed Rulemaking released September 26, 1994 in the above-captioned proceeding ("Fifth Reconsideration").¹ In support of these Reply Comments, Commenters state as follows:

Commenters submit these Reply Comments for the limited purpose of supporting the definition of "small cable company" proposed by the National Cable Television Association, Inc. ("NCTA") in its Comments submitted November 16, 1994.²

In Comments submitted November 16, 1994 in this proceeding, Commenters suggested a gross annual revenue figure of \$25 million as the cut-off for a cable company to qualify as a

¹FCC 94-234.

²"Comments of the National Cable Television Association, Inc.," MM Docket Nos. 93-215 and 92-266 (filed Nov. 16, 1994) ("NCTA Comments").

"Smaller Operator" which should be eligible for regulatory relief. Commenters indicated they were not suggesting that a higher figure might not be appropriate.³

In NCTA's November 16, 1994 Comments, NCTA argued persuasively that the FCC's definition of small cable operator must be consistent, inter alia, with its definitions of small telephone companies. NCTA supported rate relief for all "small cable companies," which were defined as those with, at a minimum, \$40 million or less in annual revenues. NCTA also stated it would be appropriate to extend significant relief to cable companies with annual revenues of \$100 million or less.⁴

Commenters agree with the analysis developed by NCTA, and in particular support the concept that relief for smaller cable companies should be consistent with relief granted small telephone companies. To this end, commenters hereby modify their position to support adoption by the FCC of regulatory relief for small cable companies, as defined by NCTA. To do otherwise would be unfair to cable operators and would violate principles of regulatory consistency.

WHEREFORE, Commenters respectfully request the Commission to adopt size standards for small cable companies

³"Comments of Avenue TV Cable, Massillon Cable TV, Pegasus Cable and Thompson Cable Vision Co.," MM Docket Nos. 93-215 and 92-266 (filed Nov. 16, 1994), at 2 and n.2.

⁴See NCTA Comments at 17-22.

consistent with those developed in NCTA's November 16, 1994
Comments in this proceeding.

Respectfully submitted,

**AVENUE TV CABLE
MASSILLON CABLE TV
PEGASUS CABLE
THOMPSON CABLE VISION CO.**

By: 

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December 16, 1994

CERTIFICATE OF SERVICE

I, Marianne C. Lynch, a secretary in the law offices of Baraff, Koerner, Olender & Hochberg, P.C., do hereby certify that copies of the foregoing pleading were served this 16th day of December 1994, via hand delivery upon the following:

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Washington, D.C. 20554

Commissioner James H. Quello
FCC, Room 802, Stop Code: 0106
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Commissioner Andrew C. Barrett
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